

DOCKET NO.: MPC1-0135
Application No.: 10/727,805
Preliminary Amendment - First Action Not Yet Received

PATENT

REMARKS

Upon entry of the foregoing, claims 1-62 will be pending. New claims 55-62 have been added. Support for the new claims is found throughout the specification and claims as originally filed (e.g., ¶¶ 0076-0079). No new matter has been introduced.

Applicant note that the specification of the present application refers to Merck & Co.'s commercial formulation of enalapril maleate, VASOTEC™. The composition of VASOTEC™ has been discussed by the District Court of New Jersey in at least two opinions related to Civil Action No. 99-922 *Warner-Lambert Co. v. Teva Pharms. USA* [289 F.Supp.2d 515 (D.N.J. 2003) and an as yet unpublished decision on June 29, 2004)]. VASOTEC™ includes enalapril maleate, sodium bicarbonate (as a stabilizer), lactose, magnesium stearate, and starch.

Applicant respectfully submits that the present application is in condition for allowance. Favorable consideration and an early notice of allowance are respectfully requested.

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